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FM AMEMBASSY HANOI  
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UNCLAS SECTION 01 OF 02 HANOI 001164

SENSITIVE  
SIPDIS

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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [VM](#)

SUBJECT: VFM HUNG LETTER REGARDING DISSIDENT PHAM HONG SON AND  
EMBASSY AMNESTY REQUESTS

¶1. (SBU) In an official letter dated October 6, VFM Doan Xuan Hung denied the Ambassador's request that well-known internet dissident Dr. Pham Hong Son be allowed to travel to the United States. According to Hung, Dr. Son, who was awarded a NED Reagan-Fascell Fellowship, does not qualify for a passport under Vietnamese law due to his continued administrative detention. The letter also dismissed a separate request from the Embassy that several high-profile dissidents be given amnesty, stating that completion of one third of a prisoner's sentence meets only one of many requirements. (Note: Embassy sources indicate that there will be no general amnesty this year. End note.)

¶2. (SBU) The original of the letter is in Vietnamese with an unofficial English translation also provided.

Begin text of letter:

(Unofficial translation)

Ministry of Foreign Affairs  
Socialist Republic of Vietnam  
Hanoi, October 6, 2008

Mr. Michael Michalak  
Ambassador of the United States to Vietnam

Dear Mr. Michalak,

I would like to express to Your Excellency my thanks for your high appreciation with regards to our Vietnam-U.S. Human Rights Dialogue that was held in Hanoi recently. I do share with you the belief that our dialogue has been fruitful, much contributing to the promotion of the mutual understanding and cooperative relationship between our two countries. I also would like to take note of and reaffirm the importance of our continuing work on human rights issues of mutual concern as mentioned in the letter of Your Excellency to Standing Vice Foreign Minister Pham Binh Minh dated 12th August 2008. This shall correspond to our dialogues which embody the spirit of frankness, openness, equality and good will. On its part, Vietnam so far has made its best efforts to cooperate with the United States in issues of the latter's concern. At the same time, we take note of the appreciation expressed by the United States (sic) for the efforts of the State of Vietnam to promote and protect the human rights of Vietnamese people.

In response to the issues Your Excellency raised in the two letters mentioned above, I would like to convey to Your Excellency the following points:

Firstly, regarding the particular case of Mr. Pham Hong Son and the request to allow him to travel to the United States to participate in the National Endowment for Democracy (NED) Reagan-Fascell Fellowship, after consultation with relevant agencies we got the information that Pham Hong Son is a Vietnamese citizen who in August 2003 was sentenced to 5 years' imprisonment for acts of violation of

the law of Vietnam and 3 years' probation pursuant to articles 38 and 92 of the Penal Code. Thanks to the humanitarian and lenient policy of the State of Vietnam, Pham Hong Son was granted amnesty before completion of his prison term on the occasion of the National Day of 2nd September 2006. However, Pham Hong Son remains obliged to execute the subsequent probation term (counted from September 2006) in accordance with the Court's verdict.

Pursuant to the relevant regulations of the Vietnamese Penal Code and especially the guidelines for the execution of sentences related to ban of residence and probation, Pham Hong Son is not allowed to leave his residence but instead subjected to supervision by the local authority where he resides. As of October 2008, Pham Hong Son has not yet finished his probation term, thus any permit for him to leave the country, for whatever purpose, shall imply an offence of the Court's verdict as well as of relevant regulations of the Vietnamese law. All the rights and duties of Pham Hong Son as a Vietnamese citizen, however, will be restored following the completion of his probation term.

Secondly, with regards to the amnesty applied to inmates who serve a specific sentence of imprisonment pursuant to the Court's verdict and especially those who have outstanding performance, it is part of the humanitarian and lenient policy of the State of Vietnam. The grant of amnesty must be decided in conformity with relevant laws, most notably the provisions of the Law on Amnesty approved by the National Assembly of Vietnam in 2007 (which came into effect on the 1st March 2008), and the performance of each inmate, whose completion of one third of his/her sentence only meets one of the requirements. The 14 cases of prisoners mentioned in your letter, therefore, should also follow the same procedures, in accordance with Vietnamese law and international law.

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Finally, concerning the cases of 07 individuals who are supposed to "have been held for six months without formal charges", the Ministry of Foreign Affairs is now in contact with relevant agencies for verification and later will provide the U.S. Embassy with further information. However, the temporary detention of an individual is always duly carried out in accordance with the regulations of the Code of Criminal Procedures.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Yours sincerely,  
(signed)  
Doan Xuan Hung  
Vice Foreign Minister

End text of letter.

Palmer